

REMARKS

This paper is presented in response to the final official action of August 15, 2008, wherein (a) claims 18-22 were pending, and (b) claims 18-22 were newly rejected as obvious over Tilles, et al. US 6,748,295 ("Tilles") in view of Gustafsson US 6,424,841 ("Gustafsson").

This response is timely filed, as it is accompanied by a petition for automatic extension of time, the required fee, and a notice of appeal and associated fee.

The obviousness rejection is respectfully traversed. Reconsideration of the application is solicited.

The action recognizes that Tilles fails to disclose that notification orders can be written into a communication request queue in order to be sent in a deferred manner, but takes the position that this feature is known from Gustafsson, which is cited for a description that in the area of a mobile phone network, SMS can be sent in a deferred manner in case the available bandwidth is not sufficient. A person of ordinary skill in the art would apply this technical teaching to Tilles to send the notification orders in a deferred manner.

It is respectfully submitted that this combination of references and line of argument are clearly motivated by hindsight reasoning based on knowledge of the present invention. Starting from Tilles, a person of ordinary skill in the art would have no motivation at all to employ a part of the technical teaching of Gustafsson to improve the method described by Tilles. As previously pointed out, the problem of sending notification messages in a deferred manner does not occur with Tilles, as the method described there is based on notifications sent via e-mail (col. 13, lines 64/65), whereas SMS notifications are not described in Tilles. However, for e-mail, a disturbance of that message for a recipient is not to be expected if the e-mail is sent during the night, for example. This is, of course, different from SMS messages, which might awaken a recipient during the night.

The invention, rather than the applied prior art, recognized deferred sending of notification orders as a solution for problems encountered in the field of interest. It is axiomatic, of course, that identification of prior art providing missing elements of

the prior art based on the understanding gleaned from a review of the subject patent application is improper, where no motivation or expectation of success is derivable from the prior art itself.

Additionally, Gustafsson teaches deferred sending of SMS-messages to overcome shortage of bandwidth and not possible disturbance of the recipient. Therefore, Gustafsson does also not teach deferred sending of SMS messages for the purpose accomplished by the present invention.

A successful combination of the technical teachings of Tilles and Gustafsson can only be achieved in the knowledge of the present invention. Consequently, the present invention cannot be regarded to be obvious with respect to Tilles in combination with the technical teaching of Gustafsson.

It is submitted that the outstanding rejection should be withdrawn and the application passed to allowance, and such action is solicited.

Should the examiner wish to discuss the foregoing or any matter of form in an effort to advance this application toward allowance he is urged to telephone the undersigned at the indicated number.

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Respectfully submitted,

By 
James P. Zeller, Reg. No. 28,491
MARSHALL, GERSTEIN & BORUN LLP
6300 Sears Tower
233 South Wacker Drive
Chicago, Illinois 60606-6357
(312) 474-6300
Attorney for Applicant